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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,940	05/19/2006	Adolf Feinauer	2003P01766WOUS	9812

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

ELOSHWAY, NIKI MARINA

ART UNIT	PAPER NUMBER
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3781

NOTIFICATION DATE	DELIVERY MODE
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12/10/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

NBN-IntelProp@bshg.com

Office Action Summary	Application No. 10/579,940	Applicant(s) FEINAUER ET AL.	
	Examiner NIKI M. ELOSHWAY	Art Unit 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-29, 31 and 33 is/are rejected.
- 7) ☒ Claim(s) 30, 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The indicated allowability of claims 31 and 33 are withdrawn in view of the reference(s) to Tsutsumi et al. (U.S. 5,512,345). Rejections based on the cited reference(s) follow.
2. In view of the new grounds of rejection, the finality of the previous Office Action is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-12, 17-25 and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casoli et al. (EP 1,335,171) in view of Cur et al. (EP 0,437,930). Casoli et al. disclose the claimed invention except for the intermediate space. Casoli et al. teach a single evacuated insulation space between the outer shell and the inner liner. Cur et al. teach that it is known to provide multiple compartments/spaces between the outer shell and inner liner. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the housing of Casoli et al. with an intermediate space between the space K of Casoli et al. and the inner liner 14 of Casoli et al., as taught by Cur et al., in order to improve the insulative properties of the housing.
5. Claims 13-16, 26, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Casoli et al. (EP 1,335,171) in view of Cur et al. (EP 0,437,930), as applied to claims 10, 19 and 27 above, and further in view of Tsutsumi et al. (U.S. 5,512,345). The modified housing of Casoli et al. discloses the claimed invention except for the aperture, holder and attachment device. Tsutsumi et al.

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teaches that it is known to provide a housing with an aperture for a cable, a holder for attachments and an attachment device (see figures 1 and 7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified housing of Casoli et al. with the aperture, holder and attachment device of Tsutsumi et al., in order to provide the housing with the mechanical elements which cool the housing cavity.

Tsutsumi et al. teach an aperture through which 13 extends. Additionally, a cable must be provided in Tsutsumi et al. to provide the power for the mechanical elements, such as heater 14 and fan motor 16. The holder for internal attachments is shown in figure 7, and can be element 18. The attachment device is comprised of a first flange at 19, a second flange at 21 or 18, a spacer 22 and a holder portion 20.

Allowable Subject Matter

6. Claims 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. The response to Applicant's Arguments filed January 28, 2010 was originally provided in the Final Rejection mailed May 14, 2010. Since the rejection over Casoli et al. as modified by Cur et al. is maintained, the response given in the May 14, 2010 action is provided again below.

8. Applicant argues that the proposed modification of Casoli is contrary to the teachings of Casoli. The Examiner disagrees with this position. The Casoli reference is directed to a refrigerator housing which uses holes or channels in the insulation material 20 for an easier and more effective evacuation process to create the vacuum conditions in the air space K. Cur teaches the use of panels having a

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plurality of panels. The proposed modification of the Casoli invention calls for the addition of an intermediate insulation cavity, as taught by Cur. It is the Examiner's position that the addition of an intermediate insulation cavity would be beneficial to the Casoli invention because it would improve the strength of the panel and increase the insulative characteristics. The compartments may be evacuated simultaneously still using a simple and economic manner, discussed by Casoli.

9. Regarding the modification in the rejection, Casoli teaches a single evacuation space between the inner and outer walls. Cur teaches a plurality of evacuation spaces between the inner and outer walls. When the single evacuation space of Casoli is replaced by a plurality of evacuation spaces, as taught by Cur, the insulation body is formed by walls (such as 30-32 of Cur) and the insulation body is inserted between the inner and outer walls 14 and 16 of Casoli. Therefore, the inner wall 14 is separate from the walls of the insulation body.

10. Regarding claim 19, it is the Examiner's position that the inner wall 14 of Casoli is mounted to the intermediate wall (a wall of the intermediate insulation cavity of Cur), to the degree set forth in the claim because they are fixedly secured to each other.

Conclusion

11. **In view of the new grounds of rejection for claims 31 and 33, this action is NON-FINAL.**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIKI M. ELOSHWAY whose telephone number is (571)272-4538. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony Stashick/
Supervisory Patent Examiner, Art Unit 3781

/Niki M. Eloshway/
Niki M. Eloshway
Examiner
Art Unit 3781